

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM RESIDENTIAL TO HOT FOOD SHOP ON GROUND FLOOR, ALTERATIONS TO FORM FLATTED DWELLING ON 1ST FLOOR, FORMATION OF NEW CAR PARK AND VEHICULAR ACCESS AT 19 GLASGOW ROAD, DENNY FK6 6BA FOR ANTA ENTERPRISES - P/11/0734/FUL
Meeting: PLANNING COMMITTEE
Date: 22 August 2012
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Bernard Whittle (Development Management Co-ordinator), Ext. 4875

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a vacant 2 storey property and open space situated at the corner of Bankside Court and Glasgow Road. The application site is owned by Falkirk Council. The property has been vacant for at least 10 years. The site is situated in an area of mixed land use. To the north there are residential properties. To the west there is a bank, shops and residential properties. To the south and east, open space and Council offices.
- 1.2 This application seeks full planning permission for change of use of the ground floor of the building to a hot food takeaway, and change of use of the first floor to form a 1 bedroom flat. The formation of a car park to the rear of the building with vehicular access from Bankside Court is also proposed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application site is owned by Falkirk Council. The Council's Scheme of Delegation requires that planning applications in which Council has an ownership interest should be determined by the Planning Committee.

3. SITE HISTORY

- 3.1 The property was originally built as the Stationmaster's house and more recently used as a shop. On 20 October 2009 Policy and Resources Committee agreed to declare the building surplus to operational requirements and to dispose of the building and surrounding land. Approval was granted.
- 3.2 Externally and in terms of general appearance the property was tidied up, repaired and painted in 2004. Internally the property is in poor condition having deteriorated due to extensive dry rot, and requires complete refurbishment. In the 2009 report to the Policy and Resources Committee, Members were advised that two local charities, the Denny and Dunipace Heritage Society and the Focus Centre Trust had shown an interest in the building. However, given the condition of the building and restricted size all parties confirmed they had no further interest. The building has subsequently remained vacant. Prior to the current proposals, attempts to dispose of the building have been unsuccessful.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections to the proposal but recommend conditions in respect of the setting out and surfacing of the car park and visibility splays at the proposed access onto Bankside Court.
- 4.2 The Environmental Protection Unit has raised no objections to the proposal following the receipt of additional information in respect of noise and odour control.

5. COMMUNITY COUNCIL

- 5.1 Denny and District Community Council objects to the proposals on the following grounds:
- Overprovision in the town;
 - Car park too near play park;
 - Proposed bedroom too small;
 - The previous use was commercial.

6. PUBLIC REPRESENTATION

- 6.1 During the course of the application, five letters of objection were received from three addresses. The salient points are summarised below:
- Overprovision in the town;
 - Traffic congestion;
 - Movement of vehicles a danger to pedestrians;
 - Loss of open space;
 - Anti social behaviour;
 - Litter.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no policies relevant to this proposal in the Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EP9 - 'Food And Drink' states:

“Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied.”*

7a.3 Policy EP9 acknowledges that hot food takeaways contribute to the life and diversity of towns and provide an important facility for visitors. However, they can create amenity problems where located adjacent to residential properties. The policy provides criteria for judging the acceptability of hot food takeaways.

7a.4 It is considered that the proposal would not have a significant adverse impact on the amenity of residents by virtue of noise, disturbance, litter or odours. The property is situated away from houses on Bankside Court and surrounded by open space. Alterations to the building are proposed to provide noise insulation and odour control.

7a.5 There are a mixture of land uses nearby and it is considered that the proposed development is in keeping with the diverse mixed use character of the area.

7a.6 The formation of a car parking area with 9 spaces is proposed with access off Bankside Court. The Roads Development Unit advise that this provision is sufficient to meet the requirements of the hot food takeaway and the flat above and have not raised any concerns in relation to the position of the proposed access to the car park or impact on road safety.

7a.7 The proposal accords with Policy EP9.

7a.8 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7a.9 The application site is situated within the urban limits of Denny as defined on the Falkirk Council Local Plan proposals map. It is considered that the proposal to form a flat on the first floor of the building accords with the criteria set out in Policy SC2.

7a.10 The proposal comprises the subdivision of an existing vacant building to form a single first floor flat with hot food takeaway below. The building is situated in an isolated position within an area of open space without a residential curtilage. In this respect the first floor of the building is suited to use as a flat where there is less expectation of a defined private garden area.

7a.11 The proposed first floor residential use is compatible with surrounding land uses and the applicant has demonstrated that internal alterations can be made to address potential noise and odours. It is considered that a satisfactory level of residential amenity can be achieved.

7a.12 The application site is situated close to Denny town centre and has good accessibility to local facilities and transport links. No objections have been raised by consultees.

7a.13 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

7a.14 This policy seeks to protect all urban open spaces and sets out the circumstances in which the loss of open space will be permitted. The proposal to form a parking area for 9 vehicles immediately to the rear of the building would result in the loss of approximately 195 square metres of open space. With regard to the terms of the policy it is considered that the loss of this small area would not have an adverse effect on the character of the area. The area is not designated in the Local Plan, is not of significant ecological value and is situated close to larger areas of open space and play facilities. It is considered that the proposal accords with Policy SC12.

7a.15 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7a.16 This policy seeks to ensure that development is served by sufficient parking provision and encourages the use of different modes of transport. The proposal would provide sufficient off street parking to serve the proposed development. The site is situated close to the town centre and is located within easy reach of public transport, walking, and cycling routes. It is considered that the proposal accords with Policy ST10.

7a.17 Policy EQ13 - 'Areas Of Townscape Value' states:

"The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:

- (1) The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features."*

7a.18 The application site is situated within an area designated as being an Area of Townscape Value on the Falkirk Council Local Plan proposals map. Although not designated as a Conservation Area, the Local Plan acknowledges that the area contains a coherent and historically interesting grouping of buildings. The Local Plan recommends that impact on the character and appearance of the area needs to be considered in assessing development proposals.

7a.19 The building is a traditional two storey stone building with slate roof and is situated in a prominent and isolated position at the junction of Bankside Court and Glasgow Road. It has architectural merit and historic value. The building has been vacant for a long period and internally is in poor condition and has shutters on windows and doors. This proposal would ensure the refurbishment and retention of the building and bring it back into use. The proposals would not have a detrimental impact on the character of the building or its setting. The proposed parking area to the rear of the building is screened from the main frontage and would not harm the setting of the building. Accordingly, it is considered that the proposal complies with policy EQ13.

7a.20 Accordingly, the proposal complies with the Development Plan.

7b Material Considerations

7b.1 Material considerations of relevance to the proposal are the consultation responses and comments received from the Community Council and objectors and the site history.

Consultation Responses

7b.2 Falkirk Council's Environmental Protection Unit and Roads Development Unit have assessed the proposals and, as detailed in paragraph 4, have raised no objections.

Assessment of Community Council Comments and Objectors' Comments

7b.3 The issue of overprovision of hot food takeaways is not a material planning consideration.

7b.4 The proposed car parking area is separated from the play park by a public footpath and the fencing that encloses the play park. It is considered that there is adequate separation and enclosure between the two areas.

7b.5 The size of the bedroom within the proposed flat is not a material planning consideration.

7b.6 The Roads Development Unit acknowledge that the proposal would increase the level of traffic using Bankside Court but, due to the location of the entrance to the parking area, consider that any increase should be restricted to the first 20 metres of Bankside Court from its junction with Glasgow Road. There are parking restrictions on Bankside Court and the nature of the road and existing traffic helps to minimise vehicle speeds.

7b.7 The access to the proposed parking area has good visibility. It is considered the proposal is not detrimental to pedestrian safety.

7b.8 The proposal would result in the loss of an area of open space to off street parking but, as set out in paragraph 7a.14, this is considered to be acceptable in planning terms.

7b.9 The issues of littering and anti social behaviour are not matters that can be regulated by planning legislation and would be matters for the Licensing Authority, Environmental Protection Unit or the Police to control/monitor through other legislation. However, the location of the premises in relation to residential properties and the potential for noise and disturbance has been assessed and it is considered the proposals would not have a significant impact on the amenity of residents.

Site History

7b.10 The building has been vacant for at least 10 years and attempts to find alternative use or to dispose of the building have to date been unsuccessful. The building is situated in an area identified in the Falkirk Council Local Plan as an Area of Townscape Value and the building is considered to be of architectural merit and historic interest. In October 2009 the Policy and Resources Committee agreed to dispose of the building subject to the building being retained and reused. This planning application provides an opportunity to fulfill this objective.

7c Conclusion

7c.1 This application has been assessed as being in accordance with the Development Plan. The proposal would bring a vacant building back into use, adequate provision has been made for parking and access to serve the proposals and it is considered that the proposal would not have a detrimental impact on the amenity of residents. It is therefore recommended that planning permission be granted.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission subject to the following conditions:-

- 1. The development to which this permission relates must be begun within three years of the date of this permission.**
- 2. Before any works start on site details of the specification and colour of the materials to be used in the surfacing of the parking area and access shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be implemented in accordance with the details approved.**
- 3. Before the access to the parking area is brought into use visibility splays of 2.4 metres x 60 metres, or as near as practicable, shall be provided in either direction from the proposed access onto Bankside Court. There shall be no obstruction above adjacent carriageway level within these splays.**
- 4. The entrance to the parking area from Bankside Court shall be formed at least 5 metres wide, at a maximum gradient of 10% and shall be constructed in such a way that no loose material or surface water is discharged onto the public road.**
- 5. Before the parking area is brought into use the area shall be delineated in accordance with the approved drawings to provide 9 clearly marked parking spaces in accordance with the Council's parking standards.**

Reason(s):-

- 1. To accord with the provisions of section 58 of the Town and Country Planning (Scotland) Act 1997.**
- 2. In the interests of visual amenity; to ensure that the surfacing materials do not detract from the character and appearance of the area.**

3. In the interests of road safety; to ensure the provision and maintenance of adequate visibility at the junction of the proposed access and Bankside Court.
4. To ensure the provision of a satisfactory standard of access commensurate with road safety requirements and local environmental quality.
5. To ensure adequate provision of off street parking.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference numbers 01A, 02B, 03 and 04.
2. Vehicular access to the parking area shall be by means of a standard footway crossing point designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area". A Minor Roadworks Consent may be required. Prior to carrying out any works you are advised to contact Roads Service, Development Services, Falkirk Council, Earls Road, Grangemouth, FK3 8XB (tel: 01324 504600).
3. A separate formal Advertisement Consent may be required for any signs associated with the proposed development. It is the applicant's responsibility to obtain this before any signs are displayed on site. For advice please contact Development Management, Development Services, Falkirk Council, Abbotsford House, David's Loan, Falkirk, FK2 7YZ (tel: 01324 504748).

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Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

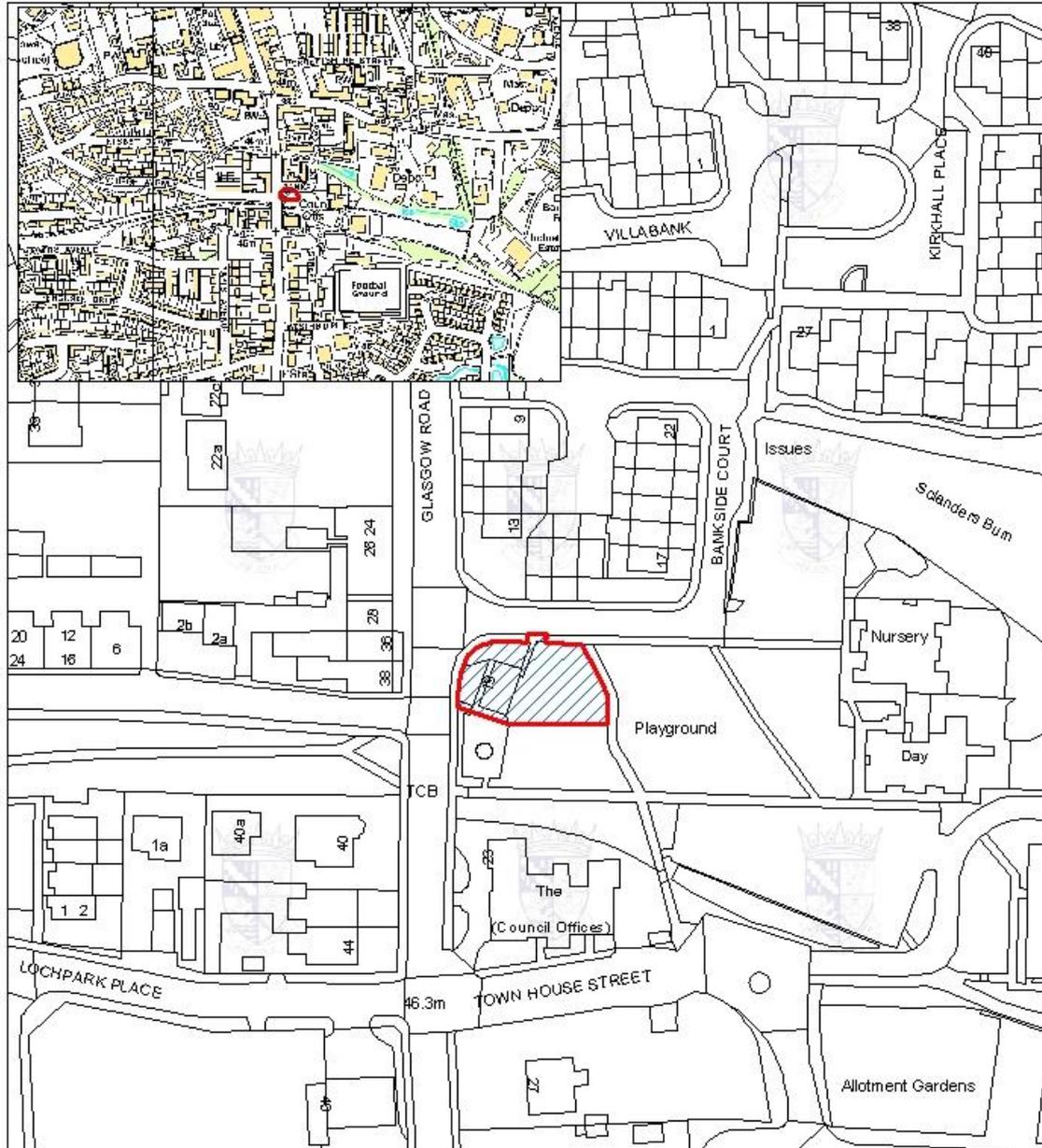
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection received from Mrs Louise McKay, 14 Bankside Court, Denny, FK6 6HA on 29 November 2011.
4. Letter of objection received from Mr Ben McVickers, 13 Bankside Court, Denny, FK6 6HA on 25 November 2011.
5. Letter of objection received from Mr Colin Belbin, 63 Bridge Crescent, Denny, FK6 6PD on 5 December 2011.
6. Letter of objection received from The McVickers Family, 13 Bankside Court, Denny, FK6 6HA on 2 December 2011.
7. Letter of objection received from Louise McKay, 14 Bankside Court, Denny, FK6 6HA on 2 December 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle, Development Management Co-ordinator.

Planning Committee

Planning Application Location Plan **P/11/0734/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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